

TITLE 326 AIR POLLUTION CONTROL BOARD

RULE AS PRELIMINARILY ADOPTED AND PROPOSED FOR FINAL ADOPTION LSA Document #01-184

DIGEST

Readopts, without changes, 326 IAC 6-4 concerning fugitive dust emissions. Effective 30 days after filing with the secretary of state.

HISTORY

First Notice of Comment Period (#96-16): December 1, 1996, Indiana Register (20 IR 792).
Second Notice of Comment Period (#96-16): March 1, 1997, Indiana Register (20 IR 1650).
First Notice of Comment Period (#00-44): March 1, 2000, Indiana Register (23 IR 1488).
Extension of First Notice of Comment Period (#00-44): May 1, 2000, Indiana Register (23 IR 2109).
Second Notice of Comment Period (#00-44): October 1, 2000, Indiana Register (24 IR 132).
Second Notice of Comment Period and Notice of First Hearing (#96-16): February 1, 2001, Indiana Register (24 IR 1459).
Date of First Hearing: April 12, 2001.
Proposed Rule and Notice of Second Hearing (#01-184): June 1, 2001, Indiana Register (24 IR 2800).
Notice of Third Comment Period (#01-184): June 1, 2001, Indiana Register (24 IR 2792).
Date of Second Hearing: August 1, 2001.

326 IAC 6-4

SECTION 1. 326 IAC 6-4-1 IS READOPTED AS FOLLOWS:

Rule 4. Fugitive Dust Emissions

326 IAC 6-4-1 Applicability of rule

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 1. This rule (326 IAC 6-4) shall apply to all sources of fugitive dust. For the purposes of this rule (326 IAC 6-4), "fugitive dust" means the generation of particulate matter to the extent that some portion of the material escapes beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located. (*Air Pollution Control Board; 326 IAC 6-4-1; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2499*)

SECTION 2. 326 IAC 6-4-2 IS READOPTED AS FOLLOWS:

326 IAC 6-4-2 Emission limitations

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 2. A source or sources generating fugitive dust shall be in violation of this rule (326 IAC 6-4) if any of the following criteria are violated:

(1) A source or combination of sources which cause to exist fugitive dust concentrations greater than sixty-seven percent (67%) in excess of ambient upwind concentrations as determined by the following formula:

$$P = \frac{100 (R - U)}{U}$$

P = Percentage increase

R = Number of particles of fugitive dust measured at downward receptor site

U = Number of particles of fugitive dust measured at upwind or background site

(2) The fugitive dust is comprised of fifty percent (50%) or more respirable dust, then the percent increase of dust concentration in subdivision (1) of this section shall be modified as follows:

$$P_R = (1.5 \pm N) P$$

Where N = Fraction of fugitive dust that is respirable dust; P_R = allowable percentage increase in dust concentration above background; and P = no value greater than sixty-seven percent (67%).

(3) The ground level ambient air concentrations exceed fifty (50) micrograms per cubic meter above background concentrations for a sixty (60) minute period.

(4) If fugitive dust is visible crossing the boundary or property line of a source. This subdivision may be refuted by factual data expressed in subdivisions (1), (2) or (3) of this section.

(Air Pollution Control Board; 326 IAC 6-4-2; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500)

SECTION 3. 326 IAC 6-4-3 IS READOPTED AS FOLLOWS:

326 IAC 6-4-3 Multiple sources of fugitive dust

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 3. (a) The allowable particles shall refer to the total of all particles leaving the boundaries or crossing the property lines of any source of fugitive dust regardless of whether from a single operation or a number of operations. If the source is determined to be comprised of two (2) or more legally separate persons, each shall be held proportionately responsible on the basis of

contributions by each person as determined by microscopic analysis. In such cases, samples shall be taken downwind from the combination of sources and at the fence line of each source.

(b) No source which is contributing to a combined downwind fugitive dust concentration in excess of the limits of this rule (326 IAC 6-4) shall be required to reduce emissions if the concentrations at his property line are in compliance, unless all contributors are individually in compliance and a combined fugitive dust concentration still exceeds the limits of this rule (326 IAC 6-4). Each source shall then be required to reduce its emissions by like percentages to achieve an acceptable combined downwind concentration.

(c) When all contributors are individually in compliance and no nuisance to the surrounding community is created, the commissioner may waive the requirement for further reduction in emissions by combined contributors. (*Air Pollution Control Board; 326 IAC 6-4-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500*)

SECTION 4. 326 IAC 6-4-4 IS READOPTED AS FOLLOWS:

326 IAC 6-4-4 Motor vehicle fugitive dust sources

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 4. No vehicle shall be driven or moved on any public street, road, alley, highway, or other thoroughfare, unless such vehicle is so constructed as to prevent its contents from dripping, sifting, leaking, or otherwise escaping therefrom so as to create conditions which result in fugitive dust. This section applies only to the cargo any vehicle may be conveying and mud tracked by the vehicle. (*Air Pollution Control Board; 326 IAC 6-4-4; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500*)

SECTION 5. 326 IAC 6-4-5 IS READOPTED AS FOLLOWS:

326 IAC 6-4-5 Measurement processes

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 5. (a) Particle quantities and sizes will be measured by manual microscopic analysis of a dustfall sample collected on a sticky slide, or by use of commercially available particle counting devices which count and classify particles by micron size range, or other methods acceptable to the commissioner.

(b) Ambient air concentrations shall be measured using the standard hi volume sampling and analysis techniques as specified by 40 C.F.R. 50*.

(c) Observations by a qualified representative of the commissioner of visible emissions crossing the property line of the source at or near ground level.

*Copies of the Code of Federal Regulations (C.F.R.) referenced may be obtained from the Government Printing Office, Washington, D.C. 20402 Copies are also available at the Department of Environmental Management, Office of Air Management, 105 South Meridian Indianapolis, Indiana 46225. (*Air Pollution Control Board; 326 IAC 6-4-5; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2500; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1125*)

SECTION 6. 326 IAC 6-4-6 IS READOPTED AS FOLLOWS:

326 IAC 6-4-6 Exceptions

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 6. The following conditions will be considered as exceptions to this rule (326 IAC 6-4) and therefore not in violation:

- (1) Release of steam not in combination with any other gaseous or particulate pollutants unless the condensation from said steam creates a nuisance or hazard in the surrounding community.
- (2) Fugitive dust from publicly maintained unpaved thoroughfares where no nuisance or health hazard is created by its usage or where it is demonstrated to the commissioner that no means are available to finance the necessary road improvements immediately. A reasonable long-range schedule for necessary road improvements must be submitted to support the commissioner's granting such an exception.
- (3) Fugitive dust from construction or demolition where every reasonable precaution has been taken in minimizing fugitive dust emissions.
- (4) Fugitive dust generated from agricultural operations providing every reasonable precaution is taken to minimize emissions and providing operations are terminated if a severe health hazard is generated because of prevailing meteorological conditions.
- (5) Visible plumes from a stack or chimney which provide adequate dispersion and are in compliance with other applicable rules.
- (6) Fugitive dust from a source caused by adverse meteorological conditions.

(*Air Pollution Control Board; 326 IAC 6-4-6; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501*)

SECTION 7. 326 IAC 6-4-7 IS READOPTED AS FOLLOWS:

326 IAC 6-4-7 Compliance date

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-1-1

Sec. 7. All sources must comply with this rule (326 IAC 6-4) as soon as practicable but no later than July 1, 1974. (*Air Pollution Control Board; 326 IAC 6-4-7; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2501*)